



## Halberton Village Hall

### Constitution



## Scheme made by the Secretary of state for Education and Science under section 18 of the charities act 1960.

### 1. The Foundation.

*In this scheme the expression “the foundation” means the Foundation called the HALBERTON WAR MEMORIAL INSTITUTE, in the ecclesiastical Parish of Halberton, in the county of Devon, founded and now regulated by an indenture dated 17<sup>th</sup> day of February 1920.*

### 2. Administration and Title.

The Foundation and its endowment (including the particulars specified in the schedule hereto) shall be administered in conformity with the provisions of the scheme under the title of HALBERTON VILLAGE HALL by the committee of management hereinafter constituted as the charity trustees thereof.

Provided that until the end of the first annual general meeting to be held as hereinafter provided after the date of this scheme the Foundation shall be administered by the existing trustees thereof in accordance with the provisions of this scheme.

### 3. Village Hall

**3a** The object of the Foundation shall be for the provision and maintenance of a village hall for the use of the inhabitants of Halberton and the neighbourhood (herein called “the area of benefit) without distinction of political, religious or other opinions, including use of meetings, lectures and classes and for other forms of recreation and leisure-time occupation with the object of improving the conditions of life for the said inhabitants.

**3b** The Village Hall Management Committee affirms that it will follow an equal opportunities policy in all the activities it promotes and the pursuance of the responsibilities of the Trust, It is the policy of the Committee to ensure that no hall user receives less favourable treatment on the grounds of age, sex, sexual orientation, race, religion, colour or nationality

## **4. Committee of Management.**

**(1)** The Committee of Management (hereinafter called “the Committee”) shall when complete, and except as in this Scheme provided consists of up to 16 members that is to say:

Six elected members, to be appointed (except in the case of such members appointed to fill casual vacancies) at the Annual General Meeting to be held as hereinafter provided;

Up to ten non-elected members, to be either appointed representative members, one from each organization with a formal committee operating within the area of benefit or co-optive members (not more than three) to be appointed by the committee, if they think fit, at a duly constituted meeting.

**(2)** The Constitution of the Committee as in the clause before provided may, on the application of the Committee, be altered from time to time by Order of the Secretary of the State for Education and Science.

**(3)** The name of each Representative Member shall be notified to the Secretary of the Committee by the organisation by which he is appointed.

**(4)** A person who has previously been a Member of the Committee may be re-appointed

## **5. Additional Representative Members.**

The Committee may, by a resolution passed at a duly constituted meeting by the votes of not less than two-thirds of the Members for the time being, allow any organisation operating in the area of benefit which is not empowered to appoint a Representative Member by or under clause 4 of this Scheme to appoint such a Member.

## **6. Commencement of Membership.**

The period of the office of a Member of the Committee shall commence:

**(a)** In the case of Elected Members (other than such Member appointed to fill a casual vacancy), at the end of the Annual General Meeting at which he is appointed.

**(b)** In the case of a Representative Member appointed within one month before the Annual General Meeting, at the end of the Annual General Meeting next after his appointment; and in the case of any other Representative Member, on the day on which notification of his appointment is received by the Secretary of the Committee from the organisation appointing him; and

**(c)** In the case of a Co-optative Member, at the end of the meeting at which he is appointed.

## **7. Determination of Membership.**

**(1)** Any member of the Committee who is adjudicated a bankrupt, or who makes a composition or arrangement with his creditors, or who is incapacitated from acting, or who communicates in writing to the Committee a wish to resign, shall thereupon cease to be a Member.

**(2)** All Members of the Committee shall cease to hold office at the end of the Annual General Meeting next after the date on which they came into office.

## **8. Casual Vacancies.**

**(1)** Upon the occurrence of a casual vacancy the Committee shall cause a note thereof to be in their minute book at their next meeting and such a vacancy in the office of Representative Member shall be notified as soon as possible to the proper appointing organisation.

**(2)** A casual vacancy in the office of Elected Member may be filled by the Committee and the period of office of a Member appointed to fill such a vacancy shall commence at the end of the meeting at which he is appointed.

## **9. Failure to Appoint.**

The proceedings of the Committee shall not be invalidated by any vacancy among its Members or by any failure to appoint or any defect in the appointment or qualification of any Member.

## **10. Declaration by Members.**

No person shall be entitled to act as a Member of the Committee whether on a first or on any subsequent entry into office, until after signing in the minute book of the Committee a declaration of acceptance and of willingness to act in the trust of this Scheme.

## **11. Members not to be personally interested.**

Except in special circumstances with the approval in writing of the Secretary of State for Education and Science, no Member of the Committee shall take or hold any interest in any property belonging to the Foundation, otherwise than as a Trustee for the purpose thereof, or receive any remuneration, or be interested in the supply of work or goods, at the cost of the Foundation.

## **12. Meetings of the Committee.**

The Committee shall hold at least two ordinary meetings in each year. A special meeting may be summoned at any time by the Chairman or by any two Members upon seven days' notice being to all other Members of the matters to be discussed.

## **13. Chairman.**

(1) The Committee at their first meeting in each year after the Annual General Meeting shall elect one of their number to be Chairman of their meetings until the commencement of the first meeting after the Annual General Meeting in the following year and may also elect one of their number to be Vice-Chairman. The Chairman and the Vice-Chairman, if any, shall always be eligible for re-election.

(2) If the Chairman and the Vice-Chairman, if any, are absent from any Meeting, the Members present shall, before any other business is transacted, choose one of their number to preside at that meeting.

## **14. Voting.**

Every member shall (except as in this Scheme provided) be determined by the majority of the Members of the Committee present and voting on the question and in case of equality of votes the Chairman of the meeting shall have a second or casting vote.

## **15. Annual General Meeting.**

(1) There shall be an Annual General Meeting in connection with the Foundation which shall be held in the month of September in each year or as soon as practicable thereafter.

(2) All inhabitants of the area of benefit of eighteen years of age and upward shall be entitled to attend and vote at the Annual General Meeting.

(3) The first Annual General Meeting after the date of this Scheme shall be convened by the existing Trustees and every subsequent Annual General Meeting shall be convened by the Chairman.

(4) Public notice of every Annual General Meeting shall be given in the area of benefit at least seven days before the date thereof.

(5) The persons who are present at the first Annual General Meeting after the date of this Scheme shall, before any other business is transacted, appoint a Chairman of the meeting. The Chairman of subsequent Annual General Meetings shall be the Chairman for the time being of the Committee, but, if he is not present, the persons present shall, before any other business is transacted, appoint a Chairman of the meeting.

(6) The Committee shall present to each Annual General Meeting the report and accounts of the Foundation for the preceding year.

## **16. Application of Income.**

After payment of any expenses and administration, the net income of the Foundation, whether arising from the use of the Village Hall by other bodies or persons or otherwise, shall be applied by the Committee in one or other or both of the following ways:

(a) In the maintenance, repair and insurance of the Village Hall and the furniture and effects therein and the payment of rates, taxes, salaries of paid officers and servants and other outgoings on connection therewith.

(b) In otherwise furthering the object of the Foundation.

## **17. Surplus Cash.**

Any sum of cash at any time belonging to the Foundation and not needed as a balance for working purposes shall be invested unless the Secretary of State for Education and Science otherwise directs.

## **18. Power to make Rules.**

Within the limits prescribed by this Scheme the Committee may from time to time make and alter rules for the conduct of their business and for the summoning and conduct of their meetings, the deposit of money at a proper bank, the custody of documents, and in particular reference to:

- (a) The terms and conditions upon which the Village Hall may be used for the purposes specified in this Scheme by the persons or bodies other than the Committee and the sum (if any) to be paid for such use.
- (b) The appointment as Secretary (to hold office at their pleasure) of one of themselves without salary or some other fit person at such salary, if any, as the Committee may from time to time determine.
- (c) The appointment of an Auditor, Treasurer and such other unpaid officers as the Committee may consider necessary and the fixing of their respective terms of office.
- (d) The engagement and dismissal of such paid officers and servants as the Committee may consider necessary.
- (e) The numbers of Members, being not less than one third of the total number of Members for the time being, who shall form a quorum at meetings of the Committee.

## **19. Minutes and Accounts.**

A minute book and books of accounts shall be provided and kept by the Committee.

## **20. Vesting Property.**

The Committee and all other persons capable of being bound by this Scheme shall, unless the Secretary of State for Education and Science otherwise in writing directs, do all such acts as may be necessary in order to vest in and transfer to the Official Custodian for Charities all freehold and leasehold lands and hereditaments and all stocks, shares, funds and securities at any time belonging to the Foundation.

## **21. Donations.**

The Committee shall accept any donations or property for the general purposes of the Foundation and they may also accept donations or property for any special object connected with the Foundation not inconsistent with the provisions of this Scheme.

## **22. Questions under the Scheme.**

If any question arises as to the construction of this Scheme, or as to the regularity or the validity of any acts done or about to be done under this scheme, it shall be determined by the Secretary of State for Education and Science, upon such application made to him for the purpose as he thinks sufficient, and such determinations shall be binding on the Committee and all persons claiming under the Foundation.

## **23. Interpretation.**

The interpretation Act 1889 shall apply for the interpretation of this Scheme as it applies for the interpretation of an Act of parliament.

## **24. Date of Scheme.**

The date of this Scheme shall be the day on which it is established by an order of the Secretary of State for Education and Science.

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**Schedule of Property.**

Description	Extent	Tenants / or persons in Whose name invested	Gross yearly income
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All that piece or Parcel of land situate in the Village and Parish of Halberton, in the County of Devon, together with the building(s) erected thereon and known as the Halberton War Memorial Institute.	1.7 acres or thereabouts	In Hand	£   s   d 200   -   -
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**This Schedule is made up to 26<sup>th</sup> November 1968.**

The Secretary of State for Education and Science orders that the foregoing Scheme be established.

Given under the Official Seal of the Secretary of State for Education and Science

On 19

(L.S.) L 2103 10/68 – 20 1/69 70.

Signed by:

**Chairperson**      *J.E. Johnstone*

**Vice Chairperson**      *R. Stevens*

**Secretary**      *Barrie Corden*

**Treasurer**      *C. Graham*

Date: 27-03-2001



